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PATENT
Attorney Docket No. 4173.0461

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
IWAO YAMAZAKI ET AL.)	Group Art Unit: 3736
)	
Application No.: 10/517,490)	Examiner: J. Hoekstra
)	
Filed: December 10, 2004)	Confirmation No.: 5583
)	
For: SYSTEM FOR DISPLAYING)	Allowance Mailed: April 30, 2010
QUANTITIES OF BONE, WATER)	
AND/OR MUSCLE OF BODY)	

BOX ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CONSIDERATION OF PREVIOUSLY-CITED REFERENCE

On December 10, 2004, Applicant submitted an Information Disclosure Statement ("IDS") and Form PTO/SB/08. The Form PTO/SB/08 submitted with the IDS listed one (1) U.S. patent and twelve (12) foreign patent documents. The Examiner returned the Form PTO/SB/08 with the Office Action dated March 21, 2006, indicating his consideration of all listed documents, except for JP 2726197 which was lined through. For the reasons explained below, Applicant believes the Examiner should have considered JP 2726197.

Although the copy of JP 2726197 submitted with the IDS was not in English, Applicant submitted with the IDS an International Preliminary Examination Report ("IPER") issued by the Japanese Patent Office in the international application of which the present application is the U.S. national stage. The IPER cited and discussed the relevance of the documents listed therein, including JP 2726197. As indicated in MPEP

Section 603.04(a)III, such indication of relevance by a foreign patent office in a counterpart application satisfies the requirement for an explanation of relevance. In addition, as indicated on the Form PTO/SB/08, both an English-language abstract and translation of claims of JP 2726197 were also submitted with the IDS. The English-language abstract submitted with the IDS was for JP 6-78827, which is the laid-open publication of the Japanese application which matured into JP 2726197.

The undersigned attorney checked PAIR and found all of the above-mentioned documents in the image file wrapper of the present application among the documents filed with the application on December 10, 2004.

For the Examiner's convenience, Applicant again provides a copy of JP 2726197, the English translation of its claims, the IPER and its English translation, and the English-language Abstract of JP 6-78827. A Form PTO/SB/08 is also attached hereto listing the resubmitted copy of JP 2726197.

It is respectfully requested that the Examiner consider JP 2726197. If the document is not considered by the Examiner, then it is respectfully requested that the Examiner indicate the reason as to why the document is not considered.

Please grant any additional extensions of time required to enter the attached reply and charge any additional required fees to Deposit Account 06-0916.

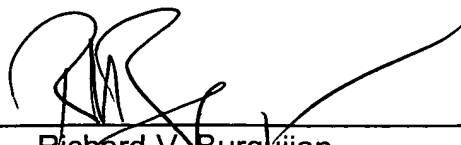
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: _____

5/26/10

By: _____


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